



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. No.14303 of 2021

Mohammed Imran

... Petitioner

Vs

1. The District Registrar,
O/o. the District Registrar,
Erode.

2. The Sub Registrar Joint II,
O/o. Joint Sub-Registrar,
Erode.

3. R. Senthilkumar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.XXXX/2019 dated 09.01.2020 and quash the same and direct the 1st respondent to dispose of the petitioner's representation dated 05.11.2019.

For petitioner	...	Mr.C.Samivel
For respondents	...	Mr.Yogesh Kannadasan, Government Advocate for R1 & R2

ORDER

This writ petition has been filed challenging the order passed by the 2nd respondent refusing to set aside the cancellation of the power of attorney dated 27.02.2012.

2. According to the petitioner, the 3rd respondent is the owner of the property in Survey No.278/1B, in New Cauvery Nagar Plot No.12. Earlier, 3rd respondent has executed a power of attorney in favour of one Samiullah and the same was registered before the Sub-Registrar, Surampatti on 17.02.2010. Thereafter,



on 27.03.2012, Samiullah said to have executed a sale deed in favour of his wife Reshmi Fara. In the meantime, on 27.02.2012, the 3rd respondent cancelled the power of attorney executed in favour of the said Samiullah. The petitioner, who claims to be a power of attorney of the subsequent purchaser, namely, Reshmi Fara, approached the 2nd respondent to set-aside the cancellation of power of attorney executed by the 3rd respondent and the same was rejected by the Sub-Registrar on the ground that the power of attorney has been cancelled only after following due process of law. Now, challenging the order, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 & 2.

4. In view of the nature of the order going to be passed in the writ petition, which no way prejudice the interest of the 3rd respondent, notice to the 3rd respondent is dispensed with.

5. First of all, the petitioner cannot maintain the application to set aside the cancellation of power of attorney, which was executed by the 3rd respondent in favour of the Samiullah. If at all, anybody aggrieved by the cancellation, it is only the said Samiullah, but he has not come forward and challenge the same. That apart, admittedly, the power deed executed by the 3rd respondent in favour of the said Samiullah was cancelled on 27.02.2012. Thereafter, the said Samiullah said to have executed sale deed in favour of his wife Reshmi Farah on 27.03.2012. Therefore, on the date of sale, there is no valid power of attorney in favour of Samiullah. If at all, there is any dispute between the 3rd respondent and Samiullah, it is for them to work out their remedy in the manner known to law and the petitioner cannot approach the Sub-Registrar against the cancellation of power of attorney. In the above circumstances, the Sub-Registrar rightly rejected the application and I find no illegality in it and this writ petition is only liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrp



To

1. The District Registrar,
O/o. the District Registrar,
Erode.

2. The Sub Registrar Joint II,
O/o. Joint Sub-Registrar,
Erode.

+1cc to Mr.C.Samivel, Advocate, S.R.No.33093

W.P. No.14303 of 2021

CA(CO)
HS(19/08/2021)